

## COR-19 PRISON RAPE ELIMINATION ACT (PREA)

19-1 PURPOSE

This directive establishes a zero-tolerance standard for the incidence of sexual abuse within the Ford County Sheriff's Office and Correctional Facility. It also establishes the prevention of sexual abuse and complies with national standards for the detection, reduction, and punishment of prison rape.

19-2 POLICY

It is the policy of the Ford County Sheriff's Office that all employees take an active role in the detection, prevention, reduction, and reporting of any and all forms of sexual harassment and/or sexual abuse. Employees of the Ford County Sheriff's Office will be provided appropriate awareness and training. Employees violating PREA policy will be held accountable with punishment up to and including termination. Inmates found violating PREA policy will be punished through criminal justice proceedings.

19-3 SHERIFF ESTABLISHED AS PREA COORDINATOR

## A. Zero Tolerance PREA Standard 115.11

1. The Sheriff requires **zero-tolerance** for sexual abuse and/or sexual harassment of any employee or inmate and will oversee the Ford County Sheriff's Office employee efforts in complying with PREA standards in all areas of his/her charge.
2. The Sheriff or designee that contracts out with other entities for the confinement of inmates will require the accepting agency to provide written compliance with the PREA standards.
3. The Sheriff or designee will promote thorough investigative practices to protect both staff and inmates from sexual abuse and/or sexual harassment.
4. The Sheriff or designee will ensure that all staff is appropriately trained in sexual assault prevention and response to such allegations.

## B. Jail Administrator Responsibilities

1. Supervision and monitoring compliance with PREA standards to assure adequate staffing levels are maintained.
2. Provide documentation and times when staff deviate from the normal monitoring or supervision of inmates and periodically meet with other shift supervisors and Sheriff to effect change if necessary.

### 19-3 DEFINITIONS AND TERMS

The following definitions and terms include sexual abuse of an inmate by another inmate. This also includes sexual abuse of an inmate by a staff member, contractor, or volunteer. Any of the following acts, if the victim does not consent, is coerced into such an act by overt and/or implied threats of violence towards him/herself or a family member outside of the facility, and/or is unable to consent or refuse.

#### A. Sexual Abuse

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth, and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by hand, finger, or object, or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation;
5. Any other intentional touching of another person that is unrelated to official duties or where a staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify a sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5 of this section;
7. Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate.

#### B. Voyeurism

1. Means an invasion of privacy of an inmate by staff, contractors, or volunteers for reasons unrelated to official duties, such as peering at an inmate who is using the toilet and/or performing bodily functions that require an inmate to expose his/her buttocks, genitals, or breasts;
2. The taking of images of all or parts of an inmate's naked body while they are performing bodily functions that are unrelated to official duties.

#### C. Sexual Harassment

1. Repeated or unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory and/or offensive sexual nature to an inmate, staff member, contractor, or volunteer.
2. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexual preference and/or sexual orientation.

- D. Inmate – Means any person incarcerated, in custody or detained, regardless of adjudication status by the Ford County Sheriff's Office.
- E. Staff Member – Means an employee
- F. Contractor – Means a person who provides services on a recurring basis pursuant to a contractual agreement with the Ford County Sheriff's Office.
- G. Volunteer – Means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the Ford County Sheriff's Office.
- H. Exigent Circumstances – Means any set of temporary and unforeseen events that require immediate action in order to combat a threat to the security and/or institutional order of the Ford County Sheriff's Office.
- I. Gender Nonconforming – Means a person whose appearance and/or manner does not conform to traditional societal gender expectations.
- J. Intersex – Means a person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- K. Transgender – Means a person whose gender identity is different from the person's assigned sex at the time of birth.
- L. Pat-down search – Means running of hands over the clothed body of an inmate by a staff member to determine whether the inmate possesses weapons and/or contraband.
- M. Strip Search – Means a search that requires an inmate to remove or arrange some or all clothing so as to permit a visual inspection of the inmate's breasts, buttocks, and/or genitalia.
- N. Substantiated Allegation – Means an allegation that was investigated and determined to have occurred.
- O. Unfounded Allegation – Means an allegation that was investigated and determined not to have occurred.
- P. Unsubstantiated Allegation – Means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

19-3 SUPERVISION AND MONITORING OF INMATES AND STAFF

- A. The Jail Administrator, Shift Supervisors, and other command staff personnel shall ensure proper staffing for each shift is adequate to safely conduct jail operations. The minimum staffing per shift will be two (2) certified correctional officers working the floor and one (1) corrections/dispatch officer in the jail control room.
- B. The corrections/dispatch officer working the jail control room will be responsible for adequately viewing the video monitoring system for inmate and staff movements within and outside the facility. Any video system malfunctions shall be documented on the "Jail Notepad" and reported to the Shift Supervisor and Physical Plant Manager as soon as practical.
- C. The Shift Supervisor shall be responsible for documenting on the "Jail Notepad" and reporting any exigent circumstances or events to the next shift. The Jail Administrator shall be notified when practical.
- D. A minimum annual review of jail operations, policy, and/or procedure, including PREA will be documented and placed on file. A review may be requested by a supervisor at any time during the year if circumstances dictate that an immediate change or adaptation is needed.
- E. The Sheriff or designee shall periodically conduct unannounced inspections and/or rounds through the jail that must occur on all shifts at least once per calendar year. Each inspection and/or round shall be documented and placed on file for PREA compliance purposes.
- F. The Sheriff or designee will conduct a Criminal History Check through L.E.A.D.S. and The Sex Offender Registry on any contractors and volunteers who have and/or may have direct contact with inmates.
- G. All employees, contractors, volunteers will have a background check completed at least every five (5) years to ensure the Ford County Sheriff's Office is PREA compliant. If any deficiencies are found during background investigations, the Sheriff shall take necessary action to bring the Sheriff's Office into PREA compliance.
- H. Staff of the opposite gender will announce their presence when entering an inmate housing unit.

#### 19-4 INMATE ACCESS TO OUTSIDE CONFIDENTIAL SUPPORT SERVICES

- A. Inmates shall be informed and provided PREA information and how to contact confidential service providers in the event they allege sexual abuse and/or sexual harassment by either an inmate or staff member.
- B. Inmates will be given reasonable communication and access with victim advocacy personnel and/or rape crisis organizations by the following organizations but are not limited to:
  - 1. Crisis Resource and Counseling Center (CRCC)
  - 2. Rape Advocacy Counseling & Education Services (RACES)  
24-Hour Crisis Hotline (217) 384-4444
- C. The Ford County Sheriff's Office has entered written agreements with both service providers to provide inmates with confidential emotional support services related to alleged sexual abuse and/or alleged sexual harassment of inmates while in custody.

Note: The Department of Justice (DOJ) provides guidance for this standard, noting that victims of sexual abuse should be provided with this information and given the ability to contact service providers regardless of the inmate's past status as an abuser.

#### 19-5 PROTECTION OF INMATES FROM CONTACT WITH ALLEGED ABUSERS

- A. Staff members accused of sexual abuse and/or sexual harassment shall not have contact with any inmates pending the outcome of an investigation.
  - 1. A staff member found guilty of sexual abuse and/or sexual harassment shall be subjected to significant disciplinary action up to and including termination of employment.
  - 2. Such conduct by a staff member shall be reported to proper law enforcement authorities for review for criminal charges.
- B. Contractors and volunteers accused of sexual abuse and/or sexual harassment shall be prohibited from contact with any inmates. All substantiated investigations shall be reported to the proper law enforcement authorities for review for criminal charges.
- C. Inmates that are accused of sexual abuse and/or sexual harassment shall be isolated from other inmates pending the outcome of an investigation. All substantiated investigations shall be reported to proper law enforcement authorities for review of additional criminal charges.

19-6 DUTY TO REPORT ALLEGED SEXUAL ABUSE AND/OR SEXUAL HARASSMENT

A. Third-Party Reporting

1. Fellow inmates, inmate's friends and family members, attorneys, and outside advocates may file complaints of sexual abuse and/or sexual harassment on an inmate's behalf.
2. FCSO staff may require the alleged victim to agree to have the complaint to be filed on his/her behalf and to pursue any subsequent investigation into alleged sexual abuse and/or sexual harassment.

B. FCSO Staff Members Reporting Required

1. FCSO Staff members will immediately report any knowledge, suspicion, and/or information regarding sexual abuse and/or sexual harassment that has occurred within any facility, whether or not it is part of FCSO or another facility traveled to during the tour of duty.
2. FCSO Staff members will immediately report retaliation against inmates and/or staff and/or third-party who reported an alleged sexual abuse and/or sexual harassment. This is to include staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
3. FCSO staff members, inmates, and third party person(s) reporting sexual abuse and/or harassment are protected under PREA. Any retaliation and/or harassment by FCSO staff members towards reporting individuals will be subject to disciplinary action up to and including termination of employment.

19-7 INVESTIGATION REQUIREMENTS AND RESPONSIBILITIES

A. The Sheriff or designee shall ensure all allegations of sexual abuse and/or sexual harassment are promptly, thoroughly, and objectively investigated by person(s) who have received specialized training according to PREA standards. If there are no qualified PREA investigators available at the time an allegation of sexual abuse and/or sexual harassment are made, an outside, PREA qualified investigative agency shall be contacted.

1. Any outside agency investigators shall have specified PREA training and have the legal authority to conduct such criminal investigations.
2. Such referrals shall be properly documented and available for review by the public upon request. Investigative agencies contacted to conduct an investigation into allegations of sexual abuse and/or sexual harassment shall have in place a policy governing the conduct of PREA investigations.

- B. The Sheriff or designee requires immediate action to protect an inmate upon learning that the inmate is subject to a substantial risk of imminent sexual abuse. Any FCSO staff member that suspects or learns of an allegation of sexual abuse is to immediately remove the inmate from the environment of potential harm and contact their immediate supervisor.
- C. Any FCSO staff member that suspects or learns of an allegation of sexual abuse that may have happened at another facility is required to contact their immediate supervisor. That supervisor is to contact the Jail Administrator and the Sheriff as soon as practical about the allegation at another facility. The Sheriff or designee shall then contact the administrator of the facility where the allegation was reported. This notification shall be done as soon as practical but no longer than 72 hours upon learning of the allegation.
- D. Any FCSO staff member that receives notification from another facility that an allegation of sexual abuse and/or sexual harassment took place at FCSO are to document what agency is reporting the allegation, who the caller is, and what telephone number they can be reached at. The FCSO staff member is to then contact their immediate supervisor, who will then contact the Jail Administrator and the Sheriff as soon as practical. The Sheriff or designee shall then contact the originating agency and take down the information provided. The Sheriff or designee shall make the determination on what is to be investigated and by what PREA qualified agency shall conduct the investigation.
- E. FCSO staff member first responder responsibilities
  - 1. Separate the alleged victim from the abuser.
  - 2. Preserve any crime scene and/or evidence.
    - a. Do not allow alleged victim or abuser to take a shower or wash.
    - b. Isolate cell where alleged abuse took place.
      - (1) Leave area as pristine as possible.
      - (2) Document time of those entering and leaving area.
    - c. Isolate any potential witnesses.
  - 3. Assess any medical needs and contact emergency services when needed.
    - a. Advise ambulance personnel to preserve clothing as evidence.
    - b. Advise EMS of the need for a sexual assault kit to be completed.
  - 4. Contact immediate supervisor, Jail Administrator, and the Sheriff.



## F. Post-Allegation protective custody

1. A victim of alleged sexual abuse will be placed into protective segregated custody and monitored every 15 minutes until a mental health evaluation can be performed.
2. Medical and mental health advice and protocols will be followed for further treatment and/or evaluations.

## G. Investigation Outcomes and Administrative Actions

1. Substantiated – Criminal and/or Administrative Prosecution/Discipline
2. Unsubstantiated - Administrative, Policy, and Procedure Review
3. Unfounded - Administrative, Policy, and Procedure Review

## H. Alleged victim will be notified of investigative outcomes.

19-8 DISCIPLINARY SANCTIONS

## A. Inmate Discipline – Inmates who are found guilty of engaging in inmate-on-inmate sexual abuse, (either through an administrative or criminal investigation), to disciplinary sanctions up to and including criminal prosecution.

1. FCSO will not discipline an inmate for sexual contact with an FCSO Staff Member unless it is found that the staff member did not consent to the contact.
2. FCSO will not discipline an inmate who reports a sexual abuse made in good faith, based upon a reasonable belief that the alleged conduct occurred to constitute false reporting or lying.
3. FCSO will not assume that sexual activity between inmates is sexual abuse unless determined that the activity was coerced.
4. FCSO staff will make individualized assessments regarding inmate behavior and not label every inmate caught having sex with another inmate as a sexual abuser.

B. FCSO Staff Members Discipline – The evidentiary standard for administrative investigations involving FCSO Staff Members facing alleged sexual abuse and/or sexual harassment will be established no higher than a **PREPONDERANCE OF THE EVIDENCE** in determining whether the allegations of sexual abuse and/or sexual harassment are substantiated.

1. FCSO Staff Members accused of sexual abuse and/or sexual harassment will be placed on administrative leave with full pay and benefits pending the outcome of an investigation into the allegations.



- a. Substantiated Criminal Investigations will be forwarded for prosecution. The Sheriff shall then determine through an administrative investigation, and disciplinary hearing on actions up to and including termination of employment.
  - b. Unsubstantiated Criminal Investigations will be forwarded to the Sheriff. The Sheriff shall then determine through an administrative investigation and disciplinary hearing on any corrective actions up to and including termination of employment.
  - c. Unfounded Criminal Investigations will be forwarded to the Sheriff. The Sheriff shall then return the FCSO Staff Member to active duty and conduct an administrative review of policies and procedures. A letter of exoneration will be placed in the accused staff members personnel file.
2. FCSO Staff Members accused of sexual abuse and/or sexual harassment will be in accordance to all legal rights given to them under the law and/or current Fraternal Order of Police Contract.
- C. Volunteer/Contractor/Visitor Discipline – Any person(s) entering the FCSO are subject to the PREA. Any person(s) accused of sexual abuse and/or sexual harassment will not have entry into the FCSO jail and will have no contact with inmates until a criminal and/or administrative investigation has been completed.
1. If the investigation outcome is substantiated, the report will be forwarded for prosecution. The accused person(s) shall then be barred from future entry into the FCSO.
  2. If the investigation is unsubstantiated, the report will be forwarded to the Sheriff for administrative review to determine if the accused person(s) will be allowed entry or barred from the FCSO.
  3. If the investigation is unfounded, the report will be forwarded to the Sheriff for administrative review of policies and procedures.

#### 19-9 EDUCATION AND TRAINING

- A. Inmates shall receive PREA information as soon as practical upon intake and no later than being dressed out and housed in a cell. FCSO Staff Members will document and direct inmates to read and understand the information provided either by pamphlet and/or PREA signage present on the walls throughout the FCSO. If an inmate is unable to read, the FCSO Staff Member shall read the required material to the inmate and brief the inmate on the meaning of PREA. Accommodations are to be made for inmates with disabilities, and who are not English proficient.

- B. Volunteers/Contractors/Visitors who have contact with inmates are required to be educated and trained by FCSO Staff Members on their responsibilities under the FCSO's policies and procedures concerning, sexual abuse, sexual harassment prevention, detection, and response. This training is based on services provided and the level of contact that service person(s) have with the inmates.
- C. FCSO Staff Member Training in the PREA must contain training in cross-gender supervision, (male staff member supervision of female inmate/female staff member supervision of a male inmate). All education and training in the PREA shall be documented and entered into the staff members LEMS Education File. This is the responsibility of the Jail Administrator or designee to make certain all staff members have been properly trained in the PREA and that new employees receive PREA training as soon as practical.
  - 1. PREA training will be in-house, through Mobile, Training, Units (MTU) when available, and other sources/opportunities. Each FCSO Staff Member who have contact and/or potential contact with inmates shall receive documented PREA training at least once annually.
  - 2. Any reported incidences of PREA violations will be administratively reviewed for potential policy and procedure changes and forwarded to staff members.